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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ERECTOR SETS, INC.,)
Plaintiff,) Civil Action No.: 2:23-cv-01440-
v.) RFB-DJA
BEKINS MOVING SOLUTIONS, INC,)
and BEKINS A-1 MOVERS, INC. dba)
BEKINS MOVING SOLUTIONS;)
Defendants.)
DISCOVERY PLAN AND
PROPOSED SCHEDULING
ORDER

SUBMITTED IN COMPLIANCE WITH LR 26-1(h)

SPECIAL SCHEDULING REVIEW REQUESTED

Plaintiff ERECTOR SETS, INC, and Defendants BEKINS MOVING
SOLUTIONS, INC and BEKINS A-1 MOVERS, INC. dba BEKINS MOVING
SOLUTIONS, by and through their counsel of record, hereby submit their stipulated

1 Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure
2 16 and 26, as well as LR 16-1 and 26-1. It is hereby requested that the Court enter
3 the following discovery plan and scheduling order:

4

5 **1. Discover Plan:**

6 Discovery Cut-off **10/19/2024** (9 months from the date that
7 Defendants filed their Notice of Appearance
in Nevada, 1/19/2024)

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9 Deadline to Amend Pleadings **7/22/2024** (90 days prior to the close of
10 discovery)

11 Deadline to Disclose Initial Expert Disclosures **8/21/2024** (60 days prior to the close of
12 discovery)

13 Deadline to Disclose Rebuttal Expert Disclosures **9/20/2024** (30 days after the Initial
14 Disclosure of Experts)

15 Deadline to File Dispositive Motions **11/19/2024** (30 days after the close of
16 discovery)

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18 **2. Reason for additional time:** The case was initially filed in the District
19 Court of Pennsylvania on July 14, 2023. On August 24, 2023, Defendants filed an
20 Answer and a Motion to Remand to State Court. On September 12, 2023, the District
21 Court of Pennsylvania judge issued a decision remanding this case to the District
22 Court of Nevada. On September 15, 2023, the case was transferred to the District
23 Court of Nevada. On October 4, 2023, the Plaintiff obtained local counsel in
24 Nevada. On October 13, 2023, the Defendants obtained local counsel. On January
25 19, 2024, the Defendants filed their Notice of Appearance.

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1 Over the past few months, the parties have attempted to settle this matter
2 without incurring additional legal fees. However, the parties have not been able to
3 do so. The parties respectfully request a discovery period of nine months beginning
4 from when the Defendants made their appearance, on January 19, 2024. While this
5 matter is not especially complex, the Parties want to ensure that they have sufficient
6 time and opportunity to conduct discovery rather than requesting additional time
7 later.

8 **3. Pre-Trial Order:** The parties shall file a joint pretrial order no later
9 than **12/19/2024** or thirty (30) days after the date set for filing dispositive motions,
10 the date for filing the joint pretrial order shall be suspended until thirty (30) days
11 after decision on the dispositive motions or further order of the Court. The disclosure
12 required by Federal Rule of Civil Procedure 26(a)(3) and objections thereto shall be
13 made in the pre-trial order.

14 **4. Initial Disclosures:** The parties shall make initial disclosures on or
15 before 5/10/2024. Any party seeking damages shall comply with Federal Rules of
16 Civil Procedure 26(a)(1)(A)(iii).

17 **5. Extension of Discovery Deadline:** Requests to extend the discovery
18 shall comply fully with LR 26-3. Applications to extend any date set by the
19 discovery plan, scheduling order, or other order must, in addition to satisfying the
20 requirements of LR IA 6-1, be supported by a showing of good cause for the
21 extension. All motions or stipulations to extend a deadline set forth in a discovery
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1 plan shall be received by the Court no later than twenty-one (21) days before the
2 expiration of the subject deadline. A request made after the expiration of the subject
3 deadline shall not be granted unless the movant demonstrates that the failure to act
4 was the result of excusable neglect.
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6 The motion or stipulation shall include:
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- 8 a. A statement specifying the discovery completed;
- 9 b. A specific description of the discovery which remains to be completed;
- 10 c. The reasons why such remaining discovery was not satisfied or the
11 remaining discovery was not completed within the time limits set by the
12 discovery plan; and,
- 13 d. A proposed schedule for the completion of all remaining discovery.

14 **6. Electronically Stored Information (“ESI”):**
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16 The Parties stipulate and agree that all discoverable documents will be
17 produced on CD-ROM or USB flash drive in Portable Document Format (“PDF”)
18 with optical text recognition (electronically searchable text) as reasonably
19 practicable. The Parties further agreed that the “parent-child relationships” between
20 documents will be reserved when documents are produced (e.g., e-mails and their
21 attachments will be produced together with consecutive bates numbers) as
22 reasonably practicable).

23 While the Parties agree at this time that it is not necessary to produce the
24 metadata for electronic documents, the Parties reserve their respective rights to
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1 request such information should any Party deem it necessary. This agreement only
2 determines the format in which the Parties produce documents; it does not affect any
3 other right of any Party. Where the size of the document production is not
4 prohibitive, the Parties may also produce the documents via electronic mail.
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6 **7. LR 26-1 CERTIFICATIONS:** The parties certify that they considered
7 consenting to trial by a magistrate judge and use of the Short Trial Program. The
8 parties further certify that they met and conferred about the possibility of using
10 alternative dispute resolution processes, including mediation, arbitration, and early
11 neutral evaluation.
12

13 **8. Electronic Service and Electronic Evidence (LR 26-1(b)(9)).** The
14 Parties agree to accept electronic service of discovery requests and responses
15 pursuant to Federal Rule of Civil Procedure 5(b)(2)(E). The parties discussed
16 whether they intend to present evidence in electronic format to jurors for the purpose
17 of jury deliberations and agreed that should discovery be provided in an electronic
18 format at trial; it will be compatible with the court's electronic jury evidence display
19 system pursuant to LR 26-1(b)(9).
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22 **9. Protective Orders**
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24 Any party may seek to enter into a stipulated protective order pursuant to
25 Federal Rule of Civil Procedure 26(c) prior to producing any confidential documents
26 in its possession. Such party shall circulate a proposed protective order with its
27 responses to the applicable discovery requests and, to the extent such party is
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1 withholding documents, such party shall produce those withheld documents subject
2 to an entered protective order within two weeks from the date the court enters the
3 protective order.
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5 **10. Response to Discovery served prior to the Rule 26(f) conference**

6 Unless agreed otherwise by the Parties, responses to discovery served prior to
7 the Federal Rule of Civil Procedure 26(f) conference shall be due 33 days after the
8 conference.
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1 Dated May 15, 2024
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4	<u>/S/ Andrew H. Pastwick, Esq.</u> Andrew H. Pastwick, Esq. Law Office of Andrew H. Pastwick, LLC 1810 E. Sahara Avenue, Suite 120 Las Vegas, NV 89104 (702) 866-9978 apastwick@pastwicklaw.com	5	<u>/S/ Willie Pollins, Esq.</u> Willie Pollins, Esq. Pollins Law Firm, LLC 100 N. 20 th Street, Ste 302 Philadelphia, PA 19103 (215) 774-9618 wpollins@gmail.com
9	Attorney for Plaintiff Erector Sets, Inc.	10	Attorney for Plaintiff Erector Sets, Inc.
11		12	<u>/S/ Daniel McCain, Esq.</u> Robert E. Schumacher, Esq. Daniel McCain, Esq. Gordon Rees Scully Mansukhani, LLP 300 South 4 th Street, Suite 1550 Las Vegas, NV 89101 (702) 577-9300 rschumacher@grsm.com dmccain@grsm.com
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17		18	Attorneys for Defendants Bekins Moving Solutions, Inc. and Bekins A-1 Movers
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21		22	IT IS SO ORDERED:
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25		26	DANIEL J. ALBREGTS UNITED STATES MAGISTRATE JUDGE
27		28	DATED: 5/16/2024